



City of Muscatine



CITY COUNCIL

Thursday August 19, 2021

Diana Broderson, Mayor

Dennis Froelich, 1st Ward
Osmond Malcolm, 2nd Ward
Peggy Gordon, 3rd Ward
Nadine Brockert, 4th Ward
John Jindrich, 5th Ward

Kelcey Brackett, At Large
DeWayne Hopkins, At Large
Carol Webb, City Administrator
Cinda Hilger, Admin. Professional
Matt Brick, City Attorney

City Council meetings are held on the 1st and 3rd Thursday of each month, In-depth sessions on the 2nd Thursday of each month. All meetings are available for review on the City of Muscatine YouTube page.

The public is welcome to attend virtually using the information below.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/974044317>

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AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**
5. **CONSENT AGENDA**

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council

Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

*** Items 6A Approval of City Council Minutes**

- A. [August 5, 2021 Regular Meeting Minutes](#)

*** Item 8A-F Petitions and Communications**

- A. Request on second reading on a new Class "E" Liquor License, Class "B" Wine Permit, Class "C" Beer Permit and Sunday Sales for Casey's General Store #4025, 4701 Hwy 61 – Casey's Marketing Company (pending inspections)
- B. Request for renewal of a Class "C" Liquor License and Sunday Sales for Diamond Dave's, 1903 Park Avenue – K & E Restaurants, Inc. (pending inspections)
- C. Request for renewal of a Class "C" Liquor License, Outdoor Service and Sunday Sales for Overlook Ballroom, 101 West Mississippi Drive – Bridgeside Pub LLC (pending inspections and insurance)
- D. Request on first and second reading for a five day Class "B" Beer Permit for Dreampost Media Services, Harbor Drive – Chad Thomas Bishop (pending inspections)
- E. [Request for Use of City Property from Chris and Nancy Foxen for a 5K race on September 6, 2021](#)
- F. Request for Cigarette/Tobacco Permit from No More Butts Vapor Lounge, LLC. 127 East 2nd Street – No More Butts Vapor Lounge, LLC

*** Item 9 From the Mayor**

*** Items 12A-B Receive and File**

- A. [Muscatine County Board of Supervisors Meeting Minutes August 2, 2021](#)
- B. [Muscatine County Board of Supervisors Meeting Minutes August 9, 2021](#)

*** Bills***

- * Approval of attached Bills for Approval totaling \$3,051,900.55, subject to the approval of any related agenda item(s).

6. MINUTES – APPROVAL

7. PUBLIC HEARING

A. [Hot Mix Asphalt Overlay Project 2021/2022 Plans and Specifications](#)

This public hearing concerns the plans and specifications of the 2021/2022 Asphalt Overlay Project.

Now is the time for the public to comment.

8. PETITIONS AND COMMUNICATIONS

9. FROM THE MAYOR

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

A. [Third and Final Reading of an Ordinance Prohibiting Parking of Semi-Trailers on Residential Parcels \(Andrew Fangman, Assistant Community Development Director\)](#)

Staff has prepared an ordinance that adds semitrailers parked on residential parcels as an enumerated nuisance to Chapter 3 of Title 9. The proposed ordinance would address a gap in City Code by listing semitrailers parked on residential parcels as a specifically enumerated nuisance which allow them to be abated in the same manner that junked or unregistered vehicles are abated. The proposed ordinance is narrowly tailored to larger semitrailers (longer than 22 feet in length) and would not apply to the wide range of other type of trailers that are appropriate in a residential setting. The proposed ordinance also contains an exception for semitrailers that are being actively used to move a household in or out of a dwelling.

Is there a motion to adopt this Ordinance on third and final reading, and to direct for its publication as required by law?

B. [Second Reading of an Ordinance Adding Section 15, Chronic Nuisance Property, to Title 9, Health and Safety Regulations, Chapter 3 Nuisance \(Andrew Fangman, Assistant Community Development Director\)](#)

The purpose of this item is to add a new section of City Code - Section 15, Title 9, Chapter 3, to address chronic nuisance properties. Adding this section will

provide additional tools for remedying properties upon which nuisances are chronically found to exist. Existing code is effective in allowing the City to recover the direct costs of hiring a contractor to abate these nuisances.

However, the cost of the large amounts of staff time that chronic nuisance properties consume are not currently being fully recovered. Additionally, for properties upon which nuisance conditions are chronically being allowed to develop, the property having to pay the City for the cost to abate these nuisances has not been effective deterrent.

The proposed code defines a chronic nuisance property as one on which three or more nuisance activities occur or exist within a twelve (12) month period and allows the City, upon notice to the owner of the property and any tenant, that future nuisance service calls may be subject to a special assessment over and above the costs of any abatement. Such special assessments are intended solely to recover the City costs.

Is there a motion to approve the second reading of this ordinance as submitted?

- C. [Second Reading of Ordinance Vacating an Undeveloped Right of Way Adjoining 1820 Angle Street \(Andrew Fangman, Assistant Community Development Director\)](#)

A request to vacate and then sell to the adjoining property owner certain right of way adjoining 1820 Angle Street has been submitted by Paul Neff, owner of Pete's Tap. Mr. Neff desires to make improvements to his business, but is somewhat constrained by the small size of the current parcel and has requested this vacation and sale. The attached ordinance vacates this right of way.

Is there a motion to approve the second reading of this ordinance as submitted?

- D. [Resolution Approving the Bid Documents for the 2021/2022 Hot Mix Asphalt Overlay Project \(Pat Lynch, City Engineer; Brian Stineman, Public Works Director\)](#)

The City of Muscatine Public Works Department has compiled a list of streets and alleys to be overlayed with hot mix asphalt during Fiscal Year 2021/2022. The Bidding Documents are now complete and ready to be released to solicit bids. The bids are due on September 7, 2021 at 10:00 am. The funds for this project come from the Road Use Tax. This project is anticipated to cost approximately \$500,000.

Is there a motion to adopt this resolution as submitted?

E. [Resolution Approving a Building Encroachment and Air Space Easement at 117 West 3rd Street](#)

The Stanley Center for Peace and Security is requesting an easement to allow their building, located at 304 Iowa Avenue, to encroach 13 inches on the Clark House property, located at 117 West 3rd Street.

Is there a motion to adopt this resolution as submitted?

F. [Request to Approve a Temporary Construction Easement at 117 West 3rd Street](#)

The Stanley Center for Peace and Security is requesting a temporary construction easement across a portion of the Clark House property at 117 West 3rd Street in order to facilitate their construction project at 304 Iowa Avenue

Is there a motion to approve this request as submitted?

G. [Resolution Approving a Permanent Stormwater Management Easement in the Public Right of Way of Adjoining 304 Iowa Avenue](#)

The Stanley Center for Peace and Security is requesting an easement to construct stormwater management infrastructure within the public right of way adjoining 304 Iowa Avenue.

Is there a motion to adopt this resolution as submitted?

H. [Resolution Approving a Permanent Encroachment Easement to Allow for the Construction of a Solar Canopy in the Alley Right of Way Adjoining 304 Iowa Ave.](#)

The Stanley Center for Peace and Security is requesting an easement to construct a canopy containing solar generation equipment above the alley adjoining their building located at 304 Iowa Avenue.

Is there a motion to adopt this resolution as submitted?

I. [Resolution Approving the Combined Preliminary/Final Plat for Hetzler Corner 17 Subdivision \(Andrew Fangman- Assistant Community Development Director\)](#)

Dennis Hetzler has filed a combined preliminary/final plat for Hetzler Corner 17, a 75.33-acre two lot subdivision on Highway 38. Due to its location being within

two miles of the city limits of the City of Muscatine, the Muscatine City Council must approve the subdivision.

Is there a motion to adopt this resolution as submitted?

J. [Resolution Relating to Financing of Certain Proposed Projects to be Undertaken by the City of Muscatine, Iowa: Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. \(Nancy Lueck, Finance Director\)](#)

Internal Revenue Service regulations require that cities identify projects that may be financed in whole or in part through the issuance of general obligation bonds. During the development of the 2021/2022 budget, City Council identified a list of projects that will be funded in whole or in part from the City's next bond issue scheduled for the spring of 2022. These projects are listed in the Background/Discussion section of the agenda item summary and are an attachment to the Resolution.

Is there a motion to adopt this resolution as submitted?

K. [Resolution Authorizing Assessments to Private Properties \(Jodi Royal-Goodwin\)](#)

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid nuisance abatement fees to private properties. The nuisance abatement costs total \$1,993.10, the administrative fees are \$375.00, and the assessment fees are \$700.00. The total amount being requested for assessment at this time total \$3,068.10.

Is there a motion to adopt this Resolution as submitted?

L. [Resolution to Amend the Fixed Base Operator Lease for the Muscatine Municipal Airport](#)

Presented for City Council's consideration is a request to amend the Fixed Base Operator Lease for the Muscatine Municipal Airport. The proposed amendment would allow the Airport Advisory Commission to approve changes to the operating hours to best meet the needs of the airport and current conditions.

Is there a motion to adopt this resolution as submitted?

M. [Request to amend the Airport Manager's Agreement for the Muscatine Municipal Airport](#)

Presented for City Council's consideration is a request to amend the Airport Management Agreement between the City of Muscatine and Carver Aero, LLC. The proposed amendment would allow the Airport Advisory Commission to approve changes to the operating hours to best meet the needs of the airport and current conditions.

Is there a motion to approve this request as submitted?

N. [Request to Approve an Easement Agreement and Right-of-Way Agreement for the West Hill Sewer Separation Project \(WHSSP\) Phase 5B \(Pat Lynch, City Engineer; Brian Stineman, Public Works Director\)](#)

The City of Muscatine Public Works Department has negotiated agreements with all of the affected property owners for Phase 5B of the WHSSP. These agreements will allow the City and its contractors access to install and maintain the sanitary sewer in this area. There are five (5) permanent easements and one (1) right of way acquisition. The total purchase amount is \$2,751.93. The values for each purchase were based on a per square foot price determined by utilizing the property's assessed value.

Is there a motion to approve this Request as submitted?

O. [Request to Approve Change Order #1 for the Park Avenue 4 to 3 Lane Conversion Project Contract with Manatts, Inc. for the amount of \\$26,093.45.\(Pat Lynch – City Engineer; Brian Stineman, Public Works Director\)](#)

This change order covers a number of minor changes to the contract. The cost for this project was estimated to be \$2,284,476.07. The awarded contract amount was \$1,974,378.96. Upon approval of Change Order #1, the Revised Project Amount will be \$2,000,472.41.

Is there a motion to approve this request as submitted?

P. [Request to Approve Change Orders #12, #16 and #17 to the West Hill Sewer Separation Phase 4C Contract with K.E. Flatworks, Inc. for the amount of \\$34,070.00.](#)

Staff recommends Council approve Change Orders 12, 16 and 17 to the West Hill Sewer Separation Project (WHSSP) Phase 4C Contract with K.E. Flatwork, Inc. for

an increase of \$34,070.00. These change orders cover a number of minor changes to the contract.

Is there a motion to approve this request as submitted?

Q. [Request to Approve the Issuance of a Purchase Order for a Flatbed Dump Truck for the Sewer Department \(Zack Etzel, Collection and Drainage Supervisor; Brian Stineman, Public Works Director\)](#)

Staff requests approval of a purchase order, in the amount of \$52,091.34, to Krieger's of Muscatine for the purchase of a Chevrolet Silverado 3500 flatbed dump truck. This truck will replace a 2006 Chevy 3500 for the Sewer Department. Five bids were received with Krieger's of Muscatine being the low bidder. There is \$50,000 budgeted for this purchase. The remaining \$2,091.34 will be absorbed in the remaining Collection and Drainage Budget

Is there a motion to approve this request as submitted?

R. [Request to Approve the Issuance of a Purchase Order for Storm Sewer Lining](#)

Earlier this spring city staff were alerted to a hole that developed on private property at 2793 Shamrock Drive. Upon investigation it was determined that the 42-inch metal storm sewer that was installed by the county, and taken over by the city during annexation, has developed several holes in the bottom which has allowed soil to enter it causing the hole in the ground surface. The Collection & Drainage Division of Public works requests to issue a purchase order for storm sewer lining. Two quotes were received and Visu-Sewer was the low bidder at \$97,440. Funding for this project is available in the Sewer Extension and Improvement Reserve Fund.

Is there a motion to approve this request as submitted?

S. [Request to Approve the Issuance of a Purchase Order for Police Department Staff Vehicle Purchase](#)

Police Department requests approval of a purchase order to Krieger's of Muscatine, in the amount of \$23,212.60, for the purchase of a 2021 Chevy Equinox. Eight (8) bids were received on July 14, 2021, with the low bid from Deery of Ames Iowa. Krieger's Chevrolet was the second lowest bid, and with the 2% preference, they become the low bidder. \$25,000 was approved in the FY 2021/2022 Police Budget for this purchase.

Is there a motion to approve this request as submitted?

T. [Request to Approve the Issuance of a Purchase Order and Enter Into Contract with Reliance Fire Apparatus for a 2021 Pierce Fire Engine](#)

Presented for City Council's consideration is a request to enter into a contract and to approve the issuance of a purchase order in the amount of \$ 657,433 to Reliant Fire Apparatus, for the purchase of a Pierce Fire Engine (PUC pumper mounted on an Enforcer Chassis). Only one bid was received. There is \$660,000 budgeted for this purchase out of the Spring 2022 Bond Issue.

Is there a motion to approve this request as submitted?

U. [Request to Approve the Issuance of a Purchase Order for Emergency Computer Software Purchase for the Water and Resource Recovery Facility](#)

The Water and Resource Recovery Facility is requesting emergency funding to replace the software system for the computer controls of plant operations. This was planned to be requested in the 2022/2023 budget but two of the system computers have failed triggering the need to purchase now. The cost for the purchase is for \$155,000.00 from Primex, the City's contracted plant controls vendor. \$68,000.00 was approved in the current budget for computers and servers leaving \$87,000.00 needed from the Water Pollution Control fund balance for the software and programming costs.

Is there a motion to approve this request as submitted?

V. [Request to Approve Entering into a Grant Agreement with the Iowa Department of Cultural Affairs](#), accepting a grant in the amount of \$122,402.00 for implementation of the Historic Landscape Preservation Plan for the Japanese Garden. (Melanie Alexander, Director, Muscatine Art Center)

The historic 1929-30 Japanese Garden at the Muscatine Art Center has potential to help shape historic preservation practices in the State of Iowa. The Muscatine Art Center has been awarded a grant of \$122,402 through the Iowa Department of Cultural Affairs' Rural Revitalization Program. This is the first time this federally funded grant, named after Paul Bruhn, has been offered in Iowa, and only communities of under 50,000 residents were eligible to apply. In addition, the project must take place at a site listed on the National Register of Historic Places.

Staff request approval to enter into a Grant Agreement with the Iowa Department of Cultural Affairs, for implementation of the Historic Landscape Preservation Plan for the Japanese Garden.

Is there a motion to approve this request as submitted?

W. [Request to Approve Street and Alley Closures and a Temporary Reduction in Off-Street parking Spaces as Part of the Redevelopment of 304 Iowa Avenue](#)

The Stanley Center for Peace and Security is requesting certain street and alley closures and a temporary reduction in parking spaces as part of the redevelopment 304 Iowa Avenue.

Is there a motion to approve this request as submitted?

X. [Request Authorization to Execute a Purchase Agreement for 1410 Mulberry Avenue](#)

The Executive Committee of the Muscatine Art Center Board of Trustees has guided Staff on the acquisition of 1410 Mulberry Avenue. The property owner has agreed to an offer of \$295,000. The Muscatine Art Center Board of Trustees' vote on the Purchase Agreement will occur during its regular board meeting on August 19, 2021 at 5:30 p.m. The Board of Trustees is expected to approve the Purchase Agreement.

A donor (who is to remain anonymous) is providing a contribution of \$147,500 towards the purchase of 1410 Mulberry Avenue. The gift comes with the condition that the property "may only be sold or otherwise conveyed along with the museum property at 1314 Mulberry Avenue." The anonymous donor's contribution will cover 50% of the purchase price of the property. The remaining 50% is to be paid from the E. Bradford Burns Trust – one of the Trust Funds held by the Muscatine Art Center.

Is there a motion to approve this request as submitted?

12. COMMUNICATION – RECEIVE AND FILE

13. APPROVAL OF BILLS

It is recommended bills totaling \$3,051,900.55, be approved and that the City Council authorize the Mayor and City Clerk to issue warrants for the same. It should be noted that this listing is subject to the approval of any related agenda item(s).

14. COMMUNICATIONS - COUNCIL MEMBERS

15. OTHER BUSINESS

16. **ADJOURNMENT**